

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOHNNIE ROBERT CAPERS,

Case No. 13-CV-1041 (PJS/JJG)

Plaintiff,

v.

ORDER

RICHARD SARETTE, RAMSEY COUNTY
PUBLIC DEFENDER; CITY OF ST. PAUL
POLICE DEPARTMENT, and
CHRISTOPHER SEEHUTTER,

Defendants.

Johnnie Robert Capers, pro se.

Plaintiff Johnnie Capers filed this action under 42 U.S.C. § 1983 against his former public defender Richard Sarette, the Ramsey County Public Defender, and the City of St. Paul Police Department. This matter is before the Court on the May 16, 2013 Report and Recommendation (“R&R”) of Magistrate Judge Jeanne J. Graham recommending that this action be summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Capers did not file a formal objection to the R&R; instead, he filed an amended complaint. Having reviewed the R&R and the amended complaint, the Court agrees with Judge Graham that Capers has not stated actionable claims against Sarette or the City of St. Paul Police Department and further finds that Capers’s amended complaint does nothing to cure the defects in those claims. The Court will therefore adopt Judge Graham’s recommendation and dismiss the claims against Sarette and the City of St. Paul Police Department.

Capers’s amended complaint, however, includes additional factual allegations against the Ramsey County Public Defender. It is possible that these additional allegations may cure the deficiencies that Judge Graham found in Capers’s original claims against that defendant. In

addition, Capers has added § 1983 claims against an additional defendant — Christopher Seehuetter, a St. Paul police officer. The Court will therefore remand this case to Judge Graham to screen the claims against the remaining defendants as they are pleaded in the amended complaint.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, the Court ADOPTS IN PART the R&R [ECF No. 3]. IT IS HEREBY ORDERED THAT all claims against defendants Richard Sarette and City of St. Paul Police Department are DISMISSED WITH PREJUDICE.

Dated: July 12, 2013

s/Patrick J. Schiltz

Patrick J. Schiltz
United States District Judge